Remarks

By the foregoing Amendment, Fig. 2 has been amended, the title and abstract have been replaced, and the written specification has been amended per the examiners comments. Further, by the foregoing Amendment, claims 1-3, 9 and 14 are amended, claims 13 and 14 are cancelled, claims 15-19 have been previously withdrawn, and new claim 20 has been added. Applicant respectfully submits that no new matter has been added by this Amendment and entry and favorable consideration thereof is earnestly requested.

The Examiner has rejected claims 1-6, 8, 13 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,941,882 ("the '882 patent"). The Examiner has further rejected claims 7, 9, 10, 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over the '882 patent. These rejections are respectfully traversed.

Applicant has amended claim 1 to require in part, a screw body made of a biodegradable material and configured as an interference screw for anchoring a transplant in an opening in a bone. In addition, new claim 20 requires in part, an interference screw made of a biodegradable material for anchoring a transplant in an opening in a bone.

The '882 patent fails to disclose a screw body made of a biodegradable material and configured as an interference screw for anchoring a transplant in an opening in a bone as required by all the claims in the application. Rather, the '882 patent is configured as what is commonly know as suture anchor, not an interference screw. ('882 patent, abstract, "A medical screw adapted to be anchored in osseous material during surgery to secure a suture.") An interference screw as defined in the present application has "the purpose of anchoring a tendon or a ligament to a bone" where "the outer threading engages with the transplant to be anchored." (Page 1, lines 12-17 and 23-24). Whereas the suture anchor disclosed and taught in the '882 patent utilizes a

suture, connected at one end to the screw and connected at the other end to the transplant as the medium to secure the transplant to the screw. (Figs. 7A & &B, Col. 4, lines 40-55). In the '882 patent, the transplant is not anchored in an opening in a bone, rather only the screw is anchored in the bone and then the transplant is anchored to the screw. (Figs. 7A & 7B). Therefore, the screw disclosed and taught in the '882 patent is not an interference screw as taught and claimed in the present application.

Additionally, the screw for the suture anchor disclosed and taught in the '882 patent is not made of a biodegradable material as required by all the claims of the present application. In fact, the suture anchor screw disclosed and taught in the '882 patent cannot be made of a biodegradable material. This is because the transplant is only connected to the suture, which is in turn connected to the suture anchor screw. Any degradation of the suture anchor screw could cause it to come loose from the hole in which it is inserted thereby causing a failure of the transplant. The suture anchor screw is not a temporary support means. Alternatively, the interference screw as claimed in the present invention will eventually biologically degrade, however this is not a problem because the transplant is inserted into the hollow space in the bone which will gradually fill in with new biological material as the interference screw degrades. (Page 4, lines 1-17; Page 6, lines 7-14).

Therefore, the '882 patent cannot anticipate or render obvious claims 1 or 20 because the '882 patent fails to teach, disclose or suggest an interference screw made of a biodegradable material for anchoring a transplant in an opening in a bone as required by both claims 1 and 20.

In addition to the above-listed element, claim 20 further requires in part, a shaft extending from said head from an end opposite to said end face along an axial direction perpendicular to said head portion, said shaft tapering from said head to the end opposite to said end face.

The '882 patent also fails to teach disclose or suggest that the shaft tapers from the head to the end opposite to said end face. Rather, the '882 patent teaches and discloses that the shaft is "substantially cylindrical" and that an important factor to consider is "good penetration of the screw threads into the osseous material" to ensure "excellent anchoring." (Col. 2, lines 65-67; Col. 4, lines 15-19). The tapering as claimed in claim 20 necessarily does not engage with the bone as well as a substantially cylindrical shaft member. (See Figs. 8 & 9 of the present application). However, tapering is preferable for an interference screw as the screw threads directly engage with the transplant and it is very important that the transplant not become damaged. (Page 17, lines 10-19).

Therefore, the '882 patent cannot anticipate or render obvious claim 20 because the '882 patent fails to teach, disclose or suggest a shaft extending from said head from an end opposite to said end face along an axial direction perpendicular to said head portion, said shaft tapering from said head to the end opposite to said end face as required by claim 20.

It is respectfully submitted that claims 1-11, 14 and 20, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

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